

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

March 8, 2010

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Joseph DeMott, Joyce Jay, Tracy Langworthy, Davis Reinhart, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Senior Planner, Meredith Reckert; Assistant to the City Manager, Heather Geyer; staff; and interested citizens.

APPROVAL OF MINUTES OF February 22, 2010

Motion by Mr. Stites for approval of the Minutes of February 22, 2010; seconded by Mrs. Sang;

Motion by Mr. Reinhart to amend the Minutes, page three, in his motion to approve: "...satisfying, INSERT *four* (not three) of the seven..."; Mr. Stites and Mrs. Sang agreed to the amendment.

Motion to approve the amended Minutes carried 8-0.

PROCLAMATIONS AND CEREMONIES

Randy Ketelson – Citizen Award

Chief Brennan recognized Mr. Ketelson on behalf of the Wheat Ridge Police Department for allowing his retail location being the designated as the emergency shelter for Pennington Elementary students for many year and for allowing the student drills to take place on his showroom floor each year.

Proclamation – LiveStrong Day at Wheat Ridge Cyclery March 27, 2010

Ron Kiefel; bike ride leaving shop on the 27th; Rich Easton, organizer of the LiveStrong bike event that will leave the Wheat Ridge Cyclery shop on March 27th. The event is devoted to cancer survivors. Cancer survivors and interested citizens may obtain information and support at LiveStrong.com. All community members are invited to attend and participate in the event, to learn about LiveStrong and to donate to this successful organization.

Proclamation – National Multiple Sclerosis Awareness Week March 8-12, 2010

Mrs. Wheat Ridge read the proclamation.

CITIZENS' RIGHT TO SPEAK

Fire Chief **Steven Gillespie** informed voters in Wheat Ridge on the upcoming Fire District Election to fill three vacancies on the Board and seek approval of a Mill Levy increase. This is not a polling place election, but rather a mail ballot election. Ballots will be mailed to all eligible electors and must be returned to 3880 Upham Street; 303-403-5900. www.wrfire.org by election day on May 4th, 2010. Door to door campaigning by Fire Department members will be starting March 20th on Saturdays for the six weeks prior to election day.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 02-2010 – amending a Planned Industrial Development Outline Development Plan to allow an additional use on property located at approximately 5250 Oak Street.
(Case No. WZ-09-09/Skyline Estates Filing 3/Arvada Fire Protection District)

Mayor DiTullio opened the public hearing.

Council Bill 02-2010 was introduced on second reading by Mrs. Langworthy. City Clerk Michael Snow assigned Ordinance No. 1458.

Mr. DeMott acknowledged his having several instances of ex-parte contact on the subject of this application due to the close proximity of his home to the site in question. Mr. DeMott recused himself from the Public Hearing and Council vote and apologized to the community and Council for his mistake in having these contacts with neighbors as a freshman Council Member. Mr. DeMott left the Council Chambers for the duration of the hearing.

Meredith Reckert presented the staff report.

John Greer, Arvada Fire Protection District Chief, explained why Arvada would be speaking at a Wheat Ridge Council meeting in that those regions north of Clear Creek are served by the AFPD.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Council Bill 02-2010 (Ordinance 1458) on second reading, and that it take effect 15 days after final publication, for the following reasons:

1. The proposed use will have less of an impact than existing uses allowed on the property.
2. The proposed use will provide a buffer and land use transition from the industrial uses on the south side of Ridge Road to the residential neighborhood to the north.
3. The evaluation criteria support approval of the request.

With the following conditions:

1. A preliminary drainage report will be submitted at the time of specific ODP.
2. A traffic analysis will be submitted at the time of specific ODP.

Seconded by Mrs. Sang and Mrs. Jay; carried 7-0.

2. Council Bill 03-2010 – An Ordinance extending the Moratorium enacted by Section 2 of Ordinance 1453, Series 2009, on the submission, acceptance, processing, and approval of any application for a City of Wheat Ridge Permit or License related to the operation of a business or cooperative that sells or cultivates Medical Marijuana pursuant to the Authority granted by Article XVIII, Section 14, of the Colorado Constitution.

Mayor DiTullio opened the public hearing.

Council Bill 03-2010 was introduced on second reading by Mrs. Jay. City Clerk Michael Snow assigned Ordinance No. 1459.

City Attorney Jerry Dahl presented the staff report.

Scott McKindley supports extending this moratorium. He owns a dispensary in Wheat Ridge and offers his assistance to the City of Wheat Ridge in negotiating future considerations of code changes, educating the public and Council.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to adopt Council Bill 03-2010 (Ordinance 1459) on second reading, and that it take effect upon adoption; seconded by Mrs. Sang; carried 6-2 with Council Members DeMott and Reinhart voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

3. Resolution 14-2010 – authorizing the renaming of the Wheat Ridge Senior/Community Center to the Wheat Ridge Active Adult Center.

Resolution 14-2010 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 14-2010; seconded by Mrs. Langworthy; carried 8-0.

4. Ratification of Mayoral appointment to Wheat Ridge Foundation.

Motion by Mr. DeMott to ratify the Mayoral appointment of **Floyd Sasa** to the Wheat Ridge Foundation; term to expire March 2, 2012; seconded by Mrs. Langworthy and Mrs. Adams; carried 8-0.

5. Motion by Mr. DeMott to approve a \$40,000 contribution to the Wheat Ridge Business District for the purpose of funding the Revitalization Incentive Grant Program; seconded by Mr. Stites; carried 8-0.

6. Motion by Mr. Reinhart to cancel the Wheat Ridge City Council Meeting of March 22, 2010; seconded by Mrs. Langworthy; carried 7-1 with Mr. Stites voting No.

ELECTED OFFICIALS' MATTERS

Mayor DiTullio read a memo to Council regarding the process and rules in Council Meetings during the Citizen's Comments portion of the meeting (amended to this packet).

Mayor DiTullio handed to Council (and amended to this packet) an accounting of the donations from the Mayor's Public Outreach account for 2009 and 2010.

Mayor DiTullio provided Council copies of the reply email from Representative Perlmutter's Office with information on the transportation projects relevant to the City of Wheat Ridge.


A 38th Avenue Community meeting will be held March 24th, 6pm in Council Chambers.

Meeting adjourned at 8:10p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON April 12, 2010 BY A VOTE OF 8 to 0



Davis Reinhart, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.